

# Niger

## EXECUTIVE SUMMARY

Niger is a multi-party republic. In 2011 voters elected opposition leader Issoufou Mahamadou president in a poll characterized by international observers as generally free and fair. Observers also considered the 2011 National Assembly elections free and fair. Authorities maintained effective control over the security forces.

The most serious human rights problems included harsh and life-threatening prison and detention center conditions, restrictions on freedoms of assembly and of the press, forcible dispersal of demonstrators, and trafficking in persons to include forced labor and caste-based slavery among some groups.

Other human rights problems included attacks by armed groups that resulted in deaths. Attacks against politicians and party facilities occurred. Arbitrary arrest and detention, prolonged pretrial detention, and executive interference in the judiciary continued. Official corruption was pervasive. Discrimination and violence against women and children remained a common occurrence. Female genital mutilation/cutting (FGM/C) and child labor continued.

The government took some steps to prosecute officials who committed abuses; however, impunity was a problem.

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary or Unlawful Deprivation of Life

There were some reports the government or its agents committed arbitrary or unlawful killings.

On May 6, gendarmes reportedly shot and killed Idi Seyni, who was walking late at night near the gendarmerie barracks in Koira Tegui. The victim's family reported the case to the governmental National Human Rights Commission (CNDH), and the case was under investigation at year's end.

According to media reports in April, following a police arrest of motorcycle-taxi protesters in Mirriah, Zinder, one of those arrested, Hassane Elhadji Sanoussi, died a few hours after police placed him in custody. Reportedly, police beat the victim to death, but authorities stated he was suffering from tuberculosis and tear-gas smoke caused his death.

Armed bandits attacked herder camps in Tillabery Region, resulting in deaths, injuries, and loss of livestock and other property. Most of these bandits entered the country from Mali on motorcycles, and some of them were reportedly members of the Malian Tuareg rebel group, the National Movement for the Liberation of Azawad (MNL), or the al-Qaida-affiliated Movement for Unity and Jihad in West Africa (MUJAO). According to nongovernmental organization (NGO) sources and press reports, armed Malian Tuaregs and Nigerien Peuhl (Fulani) clashed near the border with Mali. The clashes resulted in 64 deaths, several injuries, and the theft of more than 175 head of livestock. Authorities did not conduct an investigation or prosecution, and northern Tillabery herder communities continued to criticize government inaction.

### b. Disappearance

There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

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The constitution and law prohibit such practices; however, there were reports that security forces beat and abused civilians.

For example, on May 21, police violently dispersed student demonstrators causing several injuries referred to hospitals; police arrested 72 students and reportedly mistreated and humiliated many of them.

### **Prison and Detention Center Conditions**

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Conditions in the country's 38 prisons were harsh and life threatening. Guards subjected prisoners to humiliating treatment. There was gross overcrowding and inadequate medical care, sanitation, and ventilation.

Physical Conditions: The country's prisons held 7,424 inmates as of December. There were 3,463 convicts; the remaining 3,961 were awaiting trial. Overcrowding was a problem in all facilities. For example, as of December the Niamey Civil Prison, built for 350 persons, held 918. There were 418 convicts and 500 others awaiting trial. Authorities held female inmates in separate quarters that were less crowded and relatively cleaner than men's quarters. Authorities held juveniles separately in special rehabilitation centers or in judicially supervised homes. They held pretrial detainees with convicted prisoners. Prison staff in the Agadez Region jailed trafficking victims, including children, alongside traffickers.

Prison deaths occurred from HIV/AIDS, tuberculosis, and malaria, but no statistics were available.

Nutrition, sanitation, and health conditions were poor, although prisoners had access to potable water and officials allowed them to receive supplemental food, medicine, and other items from their families. Basic health care was available, and authorities referred patients with serious illness to public health-care centers. Ventilation and lighting were inadequate.

Administration: Recordkeeping on prisoners was inadequate, but some security and management improvements were underway. While there were no official penal or judicial alternatives to incarceration for nonviolent offenders, there were reports that prisoners bribed officials to serve out their sentences in the national hospital in Niamey. Independent human rights groups made recommendations to the government on alternatives to incarceration for nonviolent offenders. As provided by law, the government implemented "general interest work" programs in juvenile courts, which include vocational training and community service. Judicial authorities and the CNDH investigated and monitored prison and detention center conditions and followed up on credible allegations of inhuman conditions. Public and private media covered the CNDH visits. The Office of the National Mediator also investigated complaints about prison conditions. Prisons had no ombudsmen, but authorities generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Prisoners and detainees had reasonable access to visitors. All penitentiaries had places of worship, and authorities permitted prisoners to practice their religion.

Independent Monitoring: Authorities generally granted the International Committee of the Red Cross (ICRC), the CNDH, human rights groups, and media representatives access to most prisons and detention centers, including police station jails, and these groups conducted visits during the year. Local human rights groups functioned with a high degree of independence from the government.

Improvements: In December 2013 authorities worked with foreign partners to design a project to support reform of prisons including construction projects and training programs. On May 5-9, the Ministry of Justice organized a training session for 50 prison wardens on inmates' health care, and in August it trained 21 prison officers on inmates' rights and the treatment of inmates in compliance

with modern standards.

## **d. Arbitrary Arrest or Detention**

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The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge for more than 48 hours; however, police often violated these provisions.

### **Role of the Police and Security Apparatus**

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The national police, under the Interior Ministry, are responsible for urban law enforcement. The gendarmerie, under the Defense Ministry, has primary responsibility for rural security. The National Guard, also under the Interior Ministry, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces, under the Defense Ministry, are responsible for external security and, in some parts of the country, for internal security. Civilian authorities maintained effective control over security forces, although individual soldiers acted independently of the command structure at times.

Police were largely ineffective due to a lack of basic supplies such as vehicle fuel, radios, and other investigatory and law enforcement equipment. Patrols were sporadic, and the emergency response time in Niamey could be 45 minutes or more. Police training was minimal, and only specialized police units had basic weapon-handling skills. National Guard troops acted as prison guards but had no prison-specific training. Citizens complained security forces did not adequately police border regions, remote rural areas, and major cities. Corruption remained a problem.

The gendarmerie is responsible for investigation of police abuses; however, police impunity was a widespread problem. The gendarmerie investigated some allegations of police abuse. For example, it was involved in investigating a major passport fraud scandal, which in July resulted in the dismissal of several senior police officers.

### **Arrest Procedures and Treatment of Detainees**

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The constitution and law require arrest warrants, and authorities generally respected this requirement. The law allows individuals to be detained for 48 hours without charge, and an additional 48 hours if police need more time to gather evidence, although authorities sometimes held detainees involved with sensitive cases longer than legally permitted. Security forces usually informed detainees promptly of the charges against them. There was a functioning bail system for crimes carrying a sentence of less than 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours, and law enforcement officials generally observed this provision. The government usually provided a lawyer for indigents in civil and criminal cases. Widespread ignorance of the law and lack of funds prevented many defendants from fully exercising their rights to bail and an attorney. Authorities did not detain suspects, except those suspected of terrorism, were not detained incommunicado.

Arbitrary Arrest: Police occasionally conducted warrantless sweeps to detain suspected criminals. For example, on July 18, armed police officers broke into the house of civil society activist Ali Idrissa and arrested him for calling on the public to protest against a proposed uranium mining agreement during the visit of the French president that day. The officers arrested Idrissa based on a police summons but failed to produce an arrest warrant. Police arrested 22 other civil society members but released them after the French leader's visit. The minister of interior allegedly characterized the arrests as "pedagogical."

Pretrial Detention: Lengthy pretrial detention was a problem. Although the law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for less serious offenses (with special extensions in certain sensitive cases), some detainees waited as long as five

years to be tried. In 2013, 58 percent of the prisoners in Niamey's Civil Prison and 54 percent of prisoners nationwide were awaiting trial. Judicial inefficiency, inadequate resources, staff shortages, corruption, and executive branch interference lengthened pretrial detention periods. By contrast, in high-profile cases detainees benefited from extended provisional release (see section 1.e.).

## **e. Denial of Fair Public Trial**

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Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. The government reassigned some judges to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. Corruption and inefficiency remained problems. There were reports that family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial and had complete freedom of movement, could leave the country, and could even run as candidates in elections.

Customary courts and traditional mediation did not provide the same legal protections as the formal court system. Traditional chiefs can act as mediators and counselors. They have authority to arbitrate many customary law matters, including marriage, inheritance, land, and community disputes, but not all civil issues. Chiefs received government stipends but had no police or judicial powers.

Customary courts, based largely on Islamic law, try only civil law cases. A legal practitioner with basic legal training, advised by an assessor with knowledge of the traditions, heads these courts. Formal law does not regulate the judicial actions of chiefs and customary courts, and defendants can appeal a verdict to the formal court system. Women do not have equal legal status with men in customary courts and traditional mediation, and do not enjoy the same access to legal redress.

## **Trial Procedures**

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The law affirms the presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them. Authorities provide free interpretation for defendants who do not speak the official language. Trials are public and juries are used. Defendants have the right to counsel, which is at public expense for minors and indigent defendants charged with crimes carrying a sentence of at least 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours of detention. Defendants also have the right to be present at trial, confront witnesses, and present witnesses and evidence on their own behalf. The government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Defendants have adequate time and facilities to prepare a defense and are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court. Widespread ignorance of the law prevented many accused from taking full advantage of these rights. The constitution and the law extend these rights to all; however, due to the limited number of jurisdictions, staff shortages, and lack of resources, judicial delays left a large number of detainees awaiting trial.

## **Political Prisoners and Detainees**

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During the year authorities detained six opposition politicians for three months, allegedly for conspiring against state security. The Tribunal of Niamey granted them provisional release on August 26 pending trial.

On March 6, the government handed over Sa'adi Qadhafi, an adult son of the late Libyan leader Muammar Qadhafi, to Libyan authorities (see section 2.d.).

## Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations. They can also appeal decisions to the Court of Justice of the Economic Community of West African States.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law generally prohibit such actions, and the government generally respected these prohibitions. Police may conduct searches without warrants when they have a strong suspicion a house shelters criminals or stolen property.

On July 18, armed police officers broke into the house of civil society activist Ali Idrissa and arrested him. They released him later the same day.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, but on occasion the government threatened and arrested journalists and members of the media.

Freedom of Speech: On May 18, authorities arrested Amadou Hassane Boubacar, a constitutional scholar, after he appeared on a private television show during which he spoke of technical contradictions between previous Constitutional Court rulings. Boubacar was convicted of “casting discredit on a court decision.” On May 23, the Tribunal of Niamey gave him a suspended sentence of four months. Boubacar appealed the decision, but no hearing date had been set by year’s end.

Press Freedoms: The High Council on Communication (CSC), the national media regulatory body, issued several warnings to private media that criticized the government or the courts. The CSC also warned proregime media about granting disproportionately extended airtime to proregime reports, interviews, and other activities while giving virtually no coverage to opposition parties and civil society that criticized the government. The CSC issued warnings and/or threats of punitive actions against those critical of the government, including withdrawal or reduction of annual governmental financial support and lack of governmental advertising contracts. Businesspersons close to the government bought a private independent media outlet and installed a new proregime management team there.

Violence and Harassment: Authorities arrested several journalists, as well as television and radio personalities, for comments considered unfavorable to the government. For example, during January and February, authorities arrested nine journalists on charges varying from conspiracy against the state, to being aware of a possible coup and not reporting it to authorities, to falsely accusing the president of corruption. The state prosecutor released some for insufficient evidence, while others were fined or given a suspended sentence.

Censorship or Content Restrictions: The government reportedly attempted to deflect private media criticism either by intimidating them to remain silent or by attracting their support by granting them advertising contracts. The law provides equal access to public media for all political parties. Public media, however, generally did not cover the statements and activities of opposition parties and civil society organizations that were critical of the government.

Libel Laws/National Security: On January 26, authorities arrested Zakari Adamou, presenter at Canal 3 TV, Ousmane Dambadji, editor of private weekly newspaper *L’Union*, and Nayoussa Jimaraou, a human rights activist, allegedly for accusing President Issoufou of corruption during a television program on January 14. Officials released all three on January 30, but Dambadji stood trial on April

15. The Tribunal of Niamey fined him CFA francs 500,000 (\$947) for defamation of President Issoufou.

## **Internet Freedom**

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The government did not restrict or disrupt access to the internet; however, there were indications that it monitored private online communications without appropriate legal authority. For example, on September 18, authorities arrested and questioned Ibrahim Bana and Inna Karanta, two bloggers from the political opposition, but released them later the same day. Sonitel, the government-owned telecommunications company, blocked access to certain websites, such as those of terrorist organization Boko Haram, under orders from the High Commission for New Technology and Communication.

According to the International Telecommunication Union, less than 2 percent of the population used the internet in 2013. The government made efforts to promote internet usage by organizing a national forum on internet governance and adopting a national strategy for the development of information and communication technologies.

## **Academic Freedom and Cultural Events**

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There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

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### **Freedom of Assembly**

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Although the constitution and law provide for freedom of assembly, police forcibly dispersed demonstrators. The government retained authority to prohibit gatherings under tense social conditions or if organizers did not provide 48-hour advance notice.

During the year mayors in various cities banned several civil society and political party gatherings, mostly “for reasons of public order.” For example, on June 27, police used tear gas on groups of opposition supporters who were walking to join their parties’ rally. Authorities explained they had not authorized the march.

On August 2, police used tear gas to disperse members of the largest opposition party, National Movement for a Development Society (MNSD), during an indoor session of the party’s annual conference held in Zinder. Police injured two and arrested a dozen others. The MNSD claimed based on prior court rulings it had the right to hold the meeting and private gatherings on private property, unlike gatherings in public places (i.e., rallies) were not subject to government approval. Police arrested and later released MNSD’s deputy secretary general as he was traveling back to Niamey.

### **Freedom of Association**

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The constitution and law provide for freedom of association, and the government generally respected this freedom. The law does not permit political parties based on ethnicity, religion, or region.

On June 21, police arrested Gamatchie Mahamadou, secretary general of taxi drivers’ union Syncotaxi, and two of his colleagues for holding an “unauthorized demonstration” to protest gasoline prices. Police dispersed a large group of protesters who were gathering for a rally and arrested the three unionists after they held a press conference. Syncotaxi challenged Niamey city

authorities' action before the Tribunal of Niamey, which released the three unionists on June 24, finding no grounds for prosecution.

### c. Freedom of Religion

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See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern. The UNHCR managed approximately 50,000 Malian refugees at eight sites, as well as 15,000 Nigerian refugees and 45,000 Nigerien returnees in the region of Diffa, where the refugees were integrated into local communities.

In-country Movement: Security forces at checkpoints throughout the country monitored the movement of persons and goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices.

#### Internally Displaced Persons (IDPs)

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Food shortages and floods during the year resulted in the displacement of many persons and localized flooding affected approximately 50,000 persons. The flooding displaced many from their homes and accounted for 28 deaths. The government worked with foreign donors and NGOs to supply these IDPs with shelter, food, water, and other necessities. The government engaged in efforts to promote the safe voluntary return or resettlement of IDPs.

International humanitarian organizations reported that intercommunal conflict between farmers and herders, and between rural communities and bandits, especially in northern Tillabery Region, resulted in displacement. The pressures of desertification and population growth on subsistence farming and livestock herding, the main activities in the region, spurred competition and periodic conflict among farmers and herders for limited natural resources. Incursions by armed rebels from Mali and sporadic acts of banditry on main roads also caused residents to flee.

#### Protection of Refugees

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Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

An estimated 50,000 registered Malians were in Niger with prima facie refugee status. Refugees lived primarily in three camps (Tabareybarey, Mangaize, and Abala) and two official "refugee zones" (Tazalite and Intekan), where Malian refugees could settle freely with their livestock and thus maintain their traditional pastoral way of life. The government and humanitarian organizations provided assistance to refugees. In addition approximately 10,000 refugees lived in spontaneous settlements along the border with Mali with limited access to humanitarian assistance.

Conflict between Boko Haram and the Nigerian military in northeastern Nigeria triggered a flow of thousands of persons into Niger, including an estimated 15,000 Nigerian refugees and more than 45,000 returning Nigerien migrants. Local communities hosted the refugees, but although the

government provided services, no refugee camps were established. The UNHCR led assistance efforts to refugees and other populations of concern in Diffa.

The government denied asylum to two African soldiers seeking protection from persecution by their government for their military unit's alleged connection to antiregime media outlets. The government was re-examining the cases; a final decision was pending at year's end.

Refoulement: On March 6, the government handed over Sa'adi Qadhafi, an adult son of the late Libyan leader Muammar Qadhafi, to Libyan authorities. When Sa'adi sought asylum in Niger in 2011, the government placed him under house arrest in Niamey at the request of the international community and due to concerns about his treatment if returned to Libya. The government also extradited several other persons who were close to the former Libyan leader.

Temporary Protection: As of November the government provided temporary protection to 349 individuals who may not qualify as refugees under the 1951 Refugee Convention or the 1967 protocol.

## Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

### Elections and Political Participation

Recent Elections: In 2011 citizens elected Issoufou Mahamadou to a five-year presidential term with 58 percent of the vote in an election that international observers described as generally free and fair. A coalition composed primarily of parties that had been in opposition under the Tandja regime--including the Nigerien Party for Democracy and Socialism (PNDS), the Movement for Democracy in Niger, the Social Democratic Rally, the Rally for Democracy and Progress, the Nigerien Alliance for Democracy and Progress, and the Union for Democracy and the Republic--backed Issoufou and won 83 of 113 National Assembly seats in the 2011 legislative elections. The pro-Tandja MNSD won 26 seats, and the Social Democratic Convention and the Union of Independent Nigeriens obtained three seats and one seat, respectively. Issoufou appointed PNDS party member Brigi Rafini as prime minister.

Political Parties and Political Participation: Since August 2013 the government intermittently banned opposition political parties' activities, greatly limited their access to state media, and replaced opposition members from senior government positions with loyalists of the PNDS, the main party of the ruling coalition.

Participation of Women and Minorities: The law mandates that women fill at least 30 percent of senior government positions and at least 15 percent of elected seats. A 2014 law increased the quotas from 25 and 10 percent, respectively. After a cabinet reshuffle in August 2013, there were seven female ministers in the 37-member cabinet. As of October, seven of the 30 chiefs of overseas diplomatic missions were women. Women held 16 of 113 National Assembly seats. All major ethnic groups were represented at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations.

On July 8, the minister of interior, public security, decentralization, and religious affairs appointed new district secretaries general for the country's 63 districts, only one of whom was a woman. Observers noted this ran counter to the requirement that women must fill at least 30 percent of senior government positions.

## Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected corruption was a severe problem. The government publicly acknowledged corruption was a problem, and there were several reports of government corruption during the year.

**Corruption:** Civil servants often demanded bribes to provide public services. A poorly financed and trained law enforcement establishment and weak administrative controls compounded corruption. Other contributing factors included poverty, low salaries, politicization of the public service, traditional kinship and ethnic allegiances, a culture of impunity, and the lack of civic education. Several allegedly corrupt politicians defected from their political parties to join the ruling coalition, reportedly in pursuit of some protection. In 2011 the National Assembly lifted the parliamentary immunity of Abouba Albade and seven other parliamentarians who were suspected of corruption. The cases never came to trial; Albade, a dissident from the opposition party MNSD, became a minister of state in 2013. The opposition accused the regime of buying the support of opposition politicians.

On July 21, authorities arrested and jailed three senior officials of the National Police's passport office, Director of Public Security Manzo Ousmane, Director of Territorial Surveillance Ouba Ibrahim, and Deputy Director of Territorial Surveillance Moussa Maikassoua, on charges of passport fraud. Officials accused them of selling Nigerien passports to Asian nationals. During the year 34 policemen were also arrested for the same fraud and incarcerated.

The High Authority to Combat Corruption and Related Crimes (HALCIA) forwarded several corruption cases to the Ministry of Justice.

Overseen by the President's Office, HALCIA is responsible for monitoring the government's anticorruption programs. It included government, private sector, and civil society representatives. HALCIA investigated and uncovered several corruption and fraud cases involving civil servants, judges, and security force members, notably customs officers. HALCIA referred most of the cases to state prosecutors for action. Individuals were charged with crimes and occasionally jailed for short periods, although they were generally granted provisional release, and no sentences were handed out for corruption.

The State Inspectorate, HALCIA, and the courts are responsible for combating government corruption. The State Audit Court regulates public finances and provides for transparency in the management of public funds. The court oversees the management of all government agencies and development projects funded by external resources, as well as the administration of the budget. It also oversees the accounts of political parties and government officials' statements of personal assets submitted to the Constitutional Court. If requested by the National Assembly, the State Audit Court may investigate the implementation of public revenues and expenses. The court also has authority to punish any fraud in the management of public resources.

The Ministry of Justice maintained an anticorruption hotline established in 2011 as part of its Bureau of Information and Claims, Anti-Corruption, and Influence Peddling in the judiciary. On April 21-30, the bureau examined 22 complaints and denunciations and reached the following conclusions: five complaints were at the stage of information, 13 were under investigation, three were closed, and one was referred to HALCIA. During May 19-25, the bureau conducted field visits to the regions of Dosso, Maradi, Tahoua, Tillabery, Zinder, and Niamey to advise the originators of complaints about the proper role and function of the judicial system. As a result, during June 16-25, the bureau closed eight complaints with no further action, required three complaints to be further investigated, and referred two complaints to the courts.

**Financial Disclosure:** The constitution requires the president of the republic, presidents of other government institutions, and cabinet members to submit written statements of their personal property and other assets to the Constitutional Court upon assuming office, and they complied. The requirement does not apply to spouses and children. The disclosure includes both financial and material assets. These statements are to be updated annually and at the end of an individual's tenure. The National Register and the press publish the initial statements and updates. Copies of the statements are forwarded to the government's fiscal services. Filers must explain any discrepancies between the initial

and the updated statements. The Constitutional Court has authority to assess discrepancies, but there was no indication it questioned a declaration's veracity and/or imposed sanctions. The law does not allow designated officials to purchase or rent, by themselves or through other parties, any government-owned property or to bid for government contracts. HALCIA and the State Inspectorate have investigative roles, with the State Inspectorate being more administrative.

Public Access to Information: The law provides for access to public information and administrative documents, and this occurred. Requestors can also obtain many documents from individual ministries and the National Archives. The law provides a list of "communicable" and "noncommunicable" documents and establishes procedures for accessing them and paying related costs. If officials deny access to a document, they are required to notify the requestor in writing and provide the legal grounds for denial. The law provides an appeal mechanism for review through the national mediator, and legal complaints are referred to the Administrative Court. It also provides for sanctions against agencies, individual civil servants, and users for noncompliance.

On March 19, the National Assembly adopted a Code of Transparency in Public Finance Management that complies with the West African Economic and Monetary Union's guidelines on transparency in public finance management. The code includes a provision allowing for debate with the participation of civil society on the monitoring and management of public finances.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The CNDH is charged with investigating and monitoring prison and detention center conditions, but it lacked resources to implement an action plan. The Office of the Mediator of the Republic served as an official government ombudsman, including on some human rights issues. The CNDH and the mediator operated without government interference, although they often lacked the resources necessary to conduct their work effectively.

The government gave mandates to and partially staffed the National Commission for the Coordination of the Fight Against Trafficking in Persons and the National Agency for the Fight Against Trafficking in Persons, but it did not fully fund them.

The government cooperated with various human rights organizations. For example, the antislavery NGO Timidria collaborated with the government to convict a man of the "wahaya" form of enslavement. Under wahaya, a man takes a "fifth wife" concubine (a man can legally have up to four wives concurrently), who is effectively a slave. The man was sentenced to four years' imprisonment but was released a few weeks after the conviction, having spent four years in jail while awaiting trial.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. The government generally did not enforce these provisions, however, because victims in large part did not report discrimination or were pressured into handling complaints through traditional dispute mechanisms. There are no laws on sexual orientation and gender identity.

The constitution provides for the elimination of all forms of discrimination against women and introduces basic standards of respect for economic and social rights, such as the right to safe and adequate food and drinking water.

### **Women**

Rape and Domestic Violence: Rape was a widespread problem. It is punishable by 10 to 30 years in prison, depending on the circumstances and age of the victim. The Court of Appeals tried several criminal rape cases during the year. On November 18, in Niamey the Court of Assizes opened its session and had 13 cases of rape on its calendar. The Court of Assizes in Zinder opened its session on November 24 and had nine cases of rape on its calendar. Most rape cases went unreported, however, due to the victims' fear or shame. The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Survivors often sought to resolve the problem within the family or were pressured to do so, and many victims did not report spousal rape due to fear of retribution or loss of economic support.

Domestic violence against women was widespread, although reliable statistics were not available regarding numbers of incidents, prosecutions, or convictions. Husbands commonly beat their wives.

While the law does not explicitly prohibit domestic violence, a woman can sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a fine of 10,000 CFA francs (\$19) to 30 years' imprisonment. The government tried with limited success to enforce these laws, and courts prosecuted cases of domestic violence when they received complaints. Charges stemming from family disputes were often dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of redress offered by the legal system and fear of spousal or familial repudiation, further violence, or stigmatization. Through several events, such as International Women's Day (March 8) and National Women's Day (May 13), that received wide media coverage, the Ministry of Population, Women's Promotion, and Children's Protection, international organizations, NGOs, and women's organizations conducted public awareness campaigns on violence against women and the legal recourse available to them.

According to the prime minister, surveys in 2010 on gender-based violence showed that at some point in their lives 43.2 percent of women nationwide had experienced physical violence, and 28.3 percent had been sexually abused.

On National Women's Day, the government renewed its commitment to combating violence against women by empowering them. The minister of population, women's promotion, and children's protection listed the actions initiated by her ministry, including the development of a national women's leadership program, a national strategy to fight gender-based violence, and capacity-building efforts. The ministry's strategic plan for 2012-15 includes infrastructure building, provision of tools and equipment for women, and the insertion of gender in the local development plans of 39 communes and in the training curricula of various vocational schools. One hundred and seventy female local council members were trained in the national gender policy and women's rights, and 200 women were trained in women's entrepreneurship.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which is punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner can be sentenced to 10 to 20 years in prison. There were no reports of FGM/C on women age 18 and over (see section 6, Children).

Other Harmful Traditional Practices: There continued to be a serious stigma associated with being the descendant of a slave. The practice continued of taking a "fifth wife," or "wahaya," in which girls/women are sold into physical or sexual slavery.

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences of from three to six months and fines of 10,000 to 100,000 CFA francs (\$19 to \$190). If the violator is in a position of authority over the victim, the prison sentence is three months to one year and the fine is increased to 20,000 to 200,000 CFA francs (\$38 to \$380). Sexual harassment was common. Courts enforced applicable laws in the small percentage of cases reported.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Individuals further have the right to attain the highest standard of reproductive health; however, information regarding reproductive rights was not readily available. There were no restrictions on the right of access to contraception, skilled health attendance during pregnancy and childbirth, and emergency health care.

Health clinics and local health NGOs were permitted to disseminate information on family planning freely under the guidance of the Ministry of Public Health. According to the country's Demographic and Health Survey (DHS) in 2012, only 6 percent of girls and women ages 15-19 and 12 percent of those ages 15-49 used a modern method of contraception nationwide.

The government provides free health care for children up to five years of age, leading to increased access to health centers for women's general and essential obstetric and postpartum care, and prevention of mother-to-child transmission of HIV. Due to a shortage of skilled health professionals and limited resources, many women used traditional midwives during childbirth and were referred to hospitals only when the mother or child suffered health complications. According to the 2012 DHS, 30 percent of births took place in health centers, and skilled personnel attended 29 percent of births. The maternal mortality ratio (the number of maternal deaths per 100,000 live births) was 630 in 2013, and the lifetime risk of maternal death was one in 20. Major factors influencing maternal mortality included lack of prenatal care, high rates of adolescent pregnancy, diseases during pregnancy, infections after birth, malnutrition, and lack of access to emergency obstetric care.

Discrimination: Although the constitution provides for equal rights regardless of gender, women do not have the same rights as men under family law, which customary courts usually adjudicate. In customary law legal rights as head of household typically apply only to men. Customary law does not consider a divorced or widowed woman, even with children, to be a head of household. Traditional and religious beliefs resulted in discrimination in education, employment (see section 7.d.), owning or managing a business, credit, and property rights. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, water- and wood-gathering, and other work. In the absence of a formal will stating otherwise, a woman's share is half the size of a man's share of a deceased parent's property. In the east there were reports some husbands cloistered their wives and prevented them from leaving their homes unless escorted by a male relative, usually even then only after dark.

The Ministry of Population, Women's Promotion, and Children's Protection and the Ministry of Labor and Social Security implement the government policies against discrimination (see section 7.d.).

The government had programs to provide women microcredit, access to clean water, and access to health services.

## Children

Birth Registration: Citizenship is derived from one's parents. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of awareness, and distance from government services. With the support of the UN Children's Fund (UNICEF), the government worked to address this problem, and several NGOs encouraged birth registration. The government's failure to register births did not result in denial of public services, although it complicated the process of qualifying as a candidate for public office. According to the 2012 DHS, 64 percent of children less than five years old had their births registered and 29 percent had a birth certificate, with significantly higher numbers in urban areas.

Education: Six years of elementary education are compulsory, tuition free, and universal from the age of six. Students often had to buy their own books and supplies. In September the government provided each secondary school and primary school student with a kit comprising notebooks and other supplies. According to the National Institute of Statistics, in 2012 the primary school completion rate for children in school was 71 percent for girls and 88 percent for boys. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years.

Child Abuse: Violence against and abuse of children was common. The law prescribes penalties for child abuse. For example, parents of minors who usually engage in begging, or any person who encourages children to beg or profits from their begging, can be sentenced to six months to one year of imprisonment. The abduction of a minor under 18 years of age is punishable by two to 10 years' imprisonment. The penalty for abduction for ransom is life imprisonment.

In May authorities in Agadez rescued 39 Nigerien adults (10 men and 29 women) and 57 children in the Sahara desert after their transporters had abandoned them when their vehicle broke down on their way to Algeria. Authorities then arrested the 39 adults on trafficking charges. They remained in prison pending trial. Local authorities and NGOs provided assistance to the children and breast-feeding mothers.

Each of the 10 district courts and 36 magistrate courts had at least one judge who addressed children's issues, including child labor. All judicial police sections at the regional and district levels may handle cases involving juveniles and refer them to judges. The government also collaborated with UNICEF and the International Labor Organization (ILO) on programs designed to improve enforcement of the law and to sensitize civil servants, parents, traditional chiefs, and other key actors to children's rights.

Early and Forced Marriage: Child marriage was a problem, especially in rural areas. Prevalence was highest in the south, in the Diffa, Zinder, Maradi, and Tahoua regions. The law allows a girl deemed to be "sufficiently mature" to marry at 15. Some families entered into marriage agreements under which rural girls 12 or even younger were sent to their husband's families under the "supervision" of their mothers-in-law. The Ministry of Population, Women's Promotion, and Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders of rural communities to the problem of underage marriage. The UN Population Fund was working at the community level with the Association of Traditional Chiefs to raise awareness of the problem, including the risk of maternal death and disability. According to the 2012 DHS, 76 percent of women 20-24 years old reported being married before age 18, 36 percent of women 20-24 years old were first married or in union before they were 15 years old, and 77 percent of women 25-49 years old were married or in union before they were 18 years old. According to the same source, 44.8 percent of women 20-49 years old had given birth before they were 18 years old, and 8.7 percent of girls had given birth before they were 15 years old.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which is punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner can be sentenced 10 to 20 years in prison. FGM/C was practiced on young girls, with clitoridectomy the most common form. Dangouria, a form of FGM/C found only in Niger, was also common. It consists of cutting away the hymen of newborn girls by traditional barbers known as wanzam. Certain ethnic groups practiced FGM/C, predominantly the Peuhl and Djerma in the west. According to UNICEF, the FGM/C rate nationwide decreased from 5 percent to 2.2 since 1998. Among girls ages 15-19, the rate decreased to 1.9 percent. Unlike the previous years, there were no reports of excisers traveling to perform FGM/C on Nigerien Gourmantche girls.

On May 21, representatives of UNICEF and a local NGO visited the village of Makalondi, Tillabery Region, to monitor the implementation of the public awareness campaign begun in 2009 against FGM/C in 20 surrounding villages. The mayor of Makalondi and local health officials stated no FGM/C was reported in 2013. In May 2013 the local councils of 20 villages in Makalondi, Tillabery Region (where FGM/C was perpetrated on 65 percent of young girls), declared in a public gathering in the presence of the president's wife, government ministers, and representatives of international and local NGOs that they had abandoned the practice of excision. The government collaborated with local NGOs, community leaders, UNICEF, and other donors to distribute educational materials at health centers and to participate in educational events.

Other Harmful Traditional Practices: The practice of "wahaya" continued (see section 6, Women/Other Harmful Traditional Practices).

Sexual Exploitation of Children: Although the law criminalizes the procurement of a minor for the purpose of prostitution, child prostitution was a problem.

The law provides that "exploitation shall include, at minimum, slavery or practices similar to slavery," and adds that the recruitment, transport, transfer, harboring, or receiving of a minor under the age of 18 for the purposes of exploitation shall be considered trafficking in persons. Violation is punishable by five to 10 years in prison and a fine of 500,000 to five million CFA francs (\$947-\$9,470). If the offense is committed against a minor under the age of 18, the penalty shall be 10 to 30 years'

imprisonment. The penalty shall be life imprisonment in the event of the death of the victim.

The penal code provides for two to five years' imprisonment and a fine of 50,000 to 500,000 CFA francs (\$94-\$947) for the prostitution of children. The law does not define a minimum age for consensual sex, although it prohibits "indecent" acts toward minors under age 18. It leaves to judges to determine what constituted an indecent act. Such activity and a related statute against "the incitement of minors to wrongdoing" are punishable by three to five years in prison. This provision also applies to child pornography. There were reports that girls in particular were trafficked for forced prostitution along the main East-West highway, particularly between the cities of Birni n'Konni and Zinder along the border with Nigeria. Families of victims were often complicit in child prostitution.

Infanticide or Infanticide of Children with Disabilities: Infanticide occurred, and a sizeable proportion of the female prison population was incarcerated for this crime, which was often committed to hide the fact of having become pregnant out of wedlock.

Displaced Children: Many displaced boys from rural areas were indentured to Islamic schools and begged on the streets of larger cities. Displaced children had access to government services.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## Anti-Semitism

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There was no significant Jewish community, and there were no reports of anti-Semitic acts.

## Trafficking in Persons

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See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## Persons with Disabilities

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The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other government services (see section 7.b.). The government generally enforced these provisions. The law does not specifically mention air travel and other transportation, but authorities generally enforced similar antidiscriminatory provisions. The labor code calls for promoting employment opportunities for persons with disabilities. The law mandates that the government accommodate such individuals, but there were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. Persons with disabilities suffered from social stigma, low levels of education, and fewer job opportunities than the average citizen. The government requires companies to hire a minimum of 5 percent of handicapped individuals or pay a penalty, which goes to fund persons with disabilities; however, implementation was lacking. The law mandates that new buildings be handicap-accessible, but often architects and construction firms ignored this requirement; the law was not enforced.

Societal discrimination also existed against persons with disabilities, particularly mental disabilities and leprosy. The government provided limited health care to disabled persons. Disabled children attended school but faced several difficulties, including adapted instruction and materials as well as the evaluation system. For example, there were 29 deaf students (25 boys and four girls) in the secondary school of Bourja, Maradi Region. Four of the students took their final secondary school graduation exams during the year. In 2013 the only deaf candidate in Maradi Region failed not because of lack of academic ability but due to lack of an evaluation system adapted to his needs, according to a Bourja secondary school principal. Persons with disabilities voted and participated in civic affairs. The electoral code provides for assistance to persons with disabilities by individuals of their choosing. The Ministry of Population, Women's Promotion, and Children's Protection is

responsible for protecting the rights of persons with disabilities, including those with sensory or intellectual disabilities.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

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There was strong societal stigma against same-sex sexual activity but no laws criminalizing consensual same-sex sexual activity in general. The law states an “unnatural act” with a person of the same sex who is under 21 is punishable by six months to three years in prison and a fine of 10,000 to 100,000 CFA francs (\$19-\$190).

Gay men and lesbians experienced societal discrimination and social resentment. Reportedly, two gay rights associations conducted their activities secretly, in part because they were not officially registered. The social pressure to conform is great, and many lesbian, gay, bisexual and transgender (LGBT) individuals marry and have families, often while pursuing LGBT relationships in secret. There were no reports of violence against individuals based on their sexual orientation or gender identity. International organizations and NGOs continued their awareness-raising efforts in this regard, focusing on social stigma in general.

There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Stigma or intimidation was a likely cause in preventing incidents of abuse from being reported.

## **HIV and AIDS Social Stigma**

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Persons with HIV/AIDS experienced societal discrimination, although there were strong government efforts to discourage such discrimination. In conjunction with several other organizations working on HIV/AIDS issues, the government continued its antidiscrimination campaign. The labor code provides for protection against discrimination for persons suffering from diseases such as HIV/AIDS and sickle cell anemia.

## **Other Societal Violence or Discrimination**

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Disputes over land rights and grazing areas continued and resulted in several deaths.

## **Section 7. Worker Rights**

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### **a. Freedom of Association and the Right to Collective Bargaining**

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The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The constitution and law provide for the right to strike, except for police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain “essential services,” the scope of which was broader than that originally envisioned by the ILO convention. The law defines strategic and/or essential services that require minimum service during a strike, including telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services. The law provides for freedom of association, but the government had not adopted implementing regulations to enforce the law.

The constitution and law recognize workers’ right to establish and join trade unions without previous authorization or excessive requirements. The labor code clearly defines the employers’ and

employees' contractual obligations, which allow the two parties to maintain better work relations. There were no prohibitions on strikes or limits to collective bargaining in nonessential services. Legal restrictions usually relate to requiring civil servants to report to work during a legally notified strike. Workers need to give employers at least three days' advance notice of intent to strike. The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for damages (instead of reinstatement) for workers dismissed for union activity. These laws apply to all workers in the formal sector, and the government effectively enforced applicable laws in that sector. Enforcement in the informal sector, however, was limited because this sector was largely nonunionized.

Authorities respected freedom of association and the right to collective bargaining, and workers exercised these rights. Worker organizations were generally independent of the government and political parties. The nonunionized subsistence agricultural and small trading sectors employed approximately 80 percent of the workforce. Unions exercised the right to bargain collectively for wages above the legal minimum and for more-favorable working conditions. There were no reports of antiunion discrimination or retaliation for union activities during the year.

On March 3, the energy workers Union (SYNATREN) at the Zinder Oil Refinery (SORAZ), managed by the CNPC, launched a strike to protest management's failure to extend the contract of SYNATREN's secretary general. The secretary general wanted to receive a permanent position, but the CNPC offered only a two-year contract renewal. SYNATREN further complained the company's management had failed to address their grievances, including salary inequalities between Chinese and Nigerien employees, lack of a solid training plan or opportunities, inadequate compensation, and poor working conditions. On March 21, SYNATREN reached an accord with the CNPC in which the company agreed to improve working conditions and approve the union's statutes during the next board meeting. On March 27, the labor inspector in Zinder who facilitated the negotiations announced the CNPC agreed to extend the secretary general's contract by five months, after which an evaluation would be conducted in order to determine if the incumbent qualified for a permanent position.

On September 23, the oil workers union (SYNATRAP) signed a protocol of agreement following negotiations between the union and subcontractors of the China National Petroleum Corporation (CNPC) regarding the workers' allowances and other fringe benefits. Under this agreement the CNPC subcontractors would pay their employees a lump sum of 30,000 CFA francs (\$57) per employee per month as housing and utilities allowance "while awaiting the completion of a salary grid," and SYNATRAP would observe a three months' moratorium on strikes.

During September 16-17, and during September 24-26, the mining workers union (SYPAMINE) went on strike to press the government to enact the statutes of mining workers and to resolve a dispute about bonuses for workers, as adopted by the National Assembly, and according to an agreement signed between the government and the union on March 17.

## **b. Prohibition of Forced or Compulsory Labor**

While the law prohibits forced labor, it does not prohibit all forms of forced or compulsory labor. The term "forced or compulsory labor" is interpreted to mean "any labor or service required of a person under the threat of punishment and for which the individual has not given full consent." The law does not specifically prohibit forced or compulsory labor by children. Violations are subject to fines of 20,000 to 200,000 CFA francs (\$38-\$380) and six days' to one month's imprisonment. The government did not effectively enforce these laws.

The labor code addresses issues, including the worst forms of child labor, discrimination, and forced labor, and it imposes stringent penalties for violations. Detailed information on the number of victims removed from forced labor was not available. The national police rescued 240 children from situations of exploitation, including trafficking, in 2013. In June and August, several government officials, including the minister of agriculture, and their spouses, totaling 18 persons, were arrested on charges of involvement in a baby-trafficking network.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. Enforcement of the laws was sporadic, however. The Ministry of Labor and Civil Service's Forced Labor Commission is responsible for coordination with the antitrafficking commission and the implementing agency. In June, stressing that efforts to combat slavery and its vestiges call for specific measures that are different from those required to combat trafficking in persons, the ILO Committee of Experts on the Application of Conventions and Recommendations requested the government take all necessary measures to adopt an antislavery policy or strategy. These include raising awareness among the population as a whole (and not just among administrative heads, traditional chiefs, or competent authorities) about slavery. It also includes funding of programs specifically aimed at providing former slaves or descendants of slaves with adequate means of subsistence to prevent them from returning to a situation of vulnerability in which they could again be exploited for forced labor. Nevertheless, the National Committee to Combat the Vestiges of Forced Labor and Discrimination, established in 2006, ceased to meet, reportedly due to a lack of resources, and thus was unable to implement the action plan adopted by the committee in 2007. On October 27, Ministry of Labor and Civil Service officials reported they had appointed a new coordinator to the National Committee in order for the committee to resume its work in 2015.

Forced labor remained a problem. A study conducted by the government and the ILO concluded that in 2011 the prevalence of forced labor was 1.1 percent among the adult population (more than 59,000 persons), 48.8 per cent of whom were engaged in domestic work, and 23.6 per cent in agriculture or stockbreeding. A study in 2009 indicated that 2.8 percent of working children (an estimated 55,000) were engaged in forced child labor. These percentages were higher in the regions of Tillabery, Tahoua, and Maradi. The Tuareg, Djerma, and Arab ethnic minorities throughout the country, particularly in remote northern and western regions and along the border with Nigeria, still practiced a traditional form of caste-based servitude or bonded labor.

Persons born into a traditionally subordinate caste sometimes worked without pay for those above them in the social order. Estimates of numbers varied widely, from a 2004 estimate of 8,800 persons to a 2003 estimate of 43,000, the most recent dates for which estimates were available. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Children became the property of their masters and could be passed from one owner to another as gifts or part of a dowry. Girls were forced to start work as domestic servants at a very young age and could be sexually abused by men in the household or forced to marry at a young age. Children's work included tending animals, gathering firewood, fetching water from wells or ponds, and performing other domestic tasks.

There were reports some local religious teachers and loosely organized clandestine networks forced young boys to work as beggars and manual laborers and young girls to work as involuntary domestic servants, sometimes with the complicity of their families. Children were also forced to work in granite quarries and artisanal gold, salt, trona (a source of sodium carbonate compounds), and gypsum mines (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the use of child labor and the employment of children under the age of 14, except as authorized by decree. It prohibits children under the age of 12 from working. Twelve- and 13-year-olds may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector's authorization, as long as such work does not impede their schooling. Light work is defined as including some forms of domestic work, fruit picking and sorting, and other nonindustrial labor. Children 14 to 17 years of age may work a maximum of 4.5 hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morals. The law requires employers to provide minimum sanitary working conditions for children. The law does not apply to types of

employment or work performed by children outside an enterprise, such as self-employment.

The government did not effectively enforce child labor laws, in part due to resource constraints that limited inspectors of the Ministry of Labor and Civil Service. The laws were rarely applied to work performed by children in the nonindustrial/informal sector. The government worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The Ministry of Education conducted training sessions to help educators meet the special needs of child laborers. The government continued its cooperation with the ILO to eliminate child labor in the mining sector and, along with NGOs, was reportedly able to remove 240 children from mining work and enroll them in school in 2013.

The use of child labor was prevalent. In 2012, 47.8 percent of children between the ages of five and 14 years were engaged in labor, and 26.3 percent of children between the ages of seven and 17 divided their time between work and school. According to the 2009 National Survey on Child Labor in Niger, 43.2 per cent of children between the ages of five and 11 years and 62.5 per cent of children between the ages of 12 and 13 were engaged in the worst forms of child labor. The report found that both the implementation and enforcement of policies were not as strong as needed and noted particular concern over the use of child labor in the mining and agricultural sectors.

Children worked in the agricultural, commercial, handicraft, mining, and domestic service sectors. The majority of rural children regularly worked with their families from an early age helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some boys were kept out of school to work as beggars alongside blind relatives. Others were sent to Islamic schools where their teachers made them beg and do manual labor. Child labor also occurred in largely unregulated artisanal gold mining operations, as well as in trona, salt, and gypsum mines. The artisanal gold mines at Komabangou, Tillabery Region, continued to operate using many children, particularly adolescent boys and some girls, under hazardous health and safety conditions. The use of cyanide further complicated the health hazards. Komabangou miners, other residents, and human rights groups expressed deep concerns about poisoning and groundwater contamination, but the practice remained widespread. Young boys from neighboring countries were trafficked into the country to work in mines, in quarries, on farms, as mechanics, or as welders. Children were also procured for prostitution.

Also see the Department of Labor's *Findings on the Worst forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

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The labor code prohibits discrimination in employment and occupation based on "sex, age, social status, race, religion, skin color, political and religious opinion, disability, HIV-positive status, sickle cell anemia, affiliation or not to a labor union and workers union activities." The labor code requires equal pay for equal work. The government, in general, effectively enforced the law.

Discrimination in employment and occupation occurred with respect to gender (see section 6).

Migrant workers enjoy the same legal protections, wages, and working conditions as citizens.

#### **e. Acceptable Conditions of Work**

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The constitution provides for equal access to employment for all citizens. In 2012 the minister of population, women's promotion, and child protection launched a public awareness campaign on ILO conventions 100 (equal pay for men and women performing the same job), 111 (gender equality), and 183 (maternity protection as working women's right). The campaign addressed all citizens.

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal sector. The lowest minimum wage was 30,047 CFA francs (\$57) per month, with an additional

1,000 CFA francs (\$1.90) added per child per month. The government used 1,000 CFA francs (\$1.90) per day as the poverty income level. In 2010 the government reported 59.5 percent of citizens lived below that level.

The formal sector's legal workweek is 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor and Civil Service authorized longer workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. The labor code provides special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service may grant waivers regarding work hours based on these two sectors' specific nature and make allowances for working larger blocks of time in exchange for time off. Workers may work for two weeks beyond normal work hours, in compensation for which they are allowed two weeks' rest. Employers must provide premium pay for overtime, although the law does not set a specific rate. Employees of each enterprise or government agency negotiate with their employer to set the rate. The labor code establishes occupational safety and health standards. It extends labor inspectors' authority and provides for more-stringent sanctions, including a mandatory appearance before labor inspectors for resolving labor disputes.

The Ministry of Labor and Civil Service effectively enforced minimum wages and workweek laws only in the regulated formal sector. The ministry is responsible for enforcing these standards, although staff shortages caused inspectors to focus on safety violations only in the most dangerous industries: mining except gold mining, construction, and manufacturing. The ministry had approximately 100 inspectors deployed nationwide who were responsible for enforcing the labor code. The ministry had limited resources in relation to its needs for transportation, fuel, and other basic resources to carry out inspections effectively. As a result, despite the code strengthening labor inspectors' authority and imposing more-stringent penalties, the number of investigations and prosecutions was still not adequate compared to the size of the country's labor problems. Ministry officials observed that sanctions were not stringent enough to deter violations.

Violations of provisions governing wages, overtime, and work conditions were reported in the petroleum and mining sectors, including at gold mines, oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers including children, domestic workers, and persons in traditional slavery. In the traditional gold mining sector, the use of cyanide posed serious health hazards for workers and the outlying communities. Investors could rent a tract of land and the right to mine it for 20,000 CFA francs (\$38). Typically, they then hired foremen who assembled a team of miners. When ore was collected, the foremen and miners received a share of the ore--in most cases the only direct payment for their labor. An estimated 80 percent of the mining workforce worked in the informal sector. The Ministry of Civil Service and Labor could not confirm the estimate but indicated the National Statistics Institute was conducting a study on the prevalence of informal workers in the mining sector.

Although generally satisfied with the safety equipment provided by employers, in particular equipment to provide protection from radiation in the uranium mines, union workers in many cases did not receive information about the risks posed by their jobs. According to the Ministry of Labor and Civil Service, in 2013 there were 229 work-related accidents (on the job and on the way to work), including nine fatalities. All cases were compensated as required by law. Most accidents related to the mining sector. There was one case reported of work-related illness. In the nonunionized informal sector and despite the law, it was unlikely workers could exercise this right without jeopardizing their employment.

By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and there are no exceptions from such protections for migrant or foreign workers. Nevertheless, authorities did not effectively protect employees in such situations.